

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BRIAN H. HARRISON, :
Plaintiff, :
vs. : CIVIL ACTION 04-0119-WS-B
TERRY MASON, *et al.*, :
Defendants. :

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that the federal claims in this action be and are hereby **DISMISSED** with prejudice because they are frivolous, or fail to state a claim upon which relief can be granted. It is also **ORDERED** that the state law claims in this action be **DISMISSED** without prejudice .

DONE and **ORDERED** this 29th day of September, 2006.

S/WILLIAM H. STEELE

UNITED STATES DISTRICT JUDGE